2007-05773/

FOIP FOLIO

SASKATCHEWAN

July 2006

NEW ACCESS AND PRIVACY FACES

Larissa McWhinney

Welcome to our new Portfolio Officer, Larissa McWhinney. Originally from Toronto, Larissa came to Regina in 2001 to work on the Commission for the Future of Health Care in Canada (a.k.a., the Romanow Commission). In Toronto, she did graduate work in Philosophy and Medical Ethics, and worked with clinical ethicists in Toronto's Hospital for Sick Children. She has sat on several research ethics boards, and has made numerous presentations on ethical issues, particularly in the arena of health care. Given her research on individual autonomy and informed consent, and recent work on privacy and access policy with Saskatchewan's HealthLine, Larissa is a great addition to our Office of the Information and Privacy Commissioner (OIPC) team.

Kara Philip

Welcome also to Kara Philip who has joined our office as a part-time Administrative Co-ordinator. Kara is largely responsible for assisting the Manager of Administration with the day-to-day office functions. Kara grew up in Regina and earned her Bachelor of Administration degree from the University of Regina. She recently returned to Saskatchewan after spending five years working and studying in the Edmonton area. Kara and her husband have a young daughter and are pleased to be raising her close to family and friends in Saskatchewan.

Gary Hutchings

The new Department of Advanced Education and Employment has appointed Gary Hutchings as the Acting Access and Privacy Officer. Gary has 10 years of experience working in various capacities under British Columbia's *Freedom of Information and Protection of Privacy Act* (*FOIPPA*) with the Ministry of Employment and Economic Assistance, including 3 years of application and interpretation of British Columbia's *FOIPPA* as an Information and Privacy Analyst. Gary can be contacted at (306) 787-2229.

NEW OIPC REPORT ON HIPA ACCESS REQUEST

Saskatoon Health Region

Our latest Review Report H-2006-001 involves an access request made to the Saskatoon Regional Health Authority by the son of a man who died at the Royal University Hospital. The Region properly denied access under Part V of HIPA since the son was not the personal representative of his late father's estate. The Commissioner made recommendations however about the disclosure of partial information under the discretionary power in section 27(4)(e). The Commissioner also found that the Region had failed to meet the 'duty to assist' in *The Health Information Protection Act* (HIPA). The Report can be accessed at www.oipc.sk.ca under the tab *Reports*.

INTERNATIONAL PRIVACY EXPERT COMING TO REGINA

Paul Chadwick, who has just completed his 5 year term as the Privacy Commissioner for the State of Victoria, in Australia, will visit Regina when he comes to Canada in September.

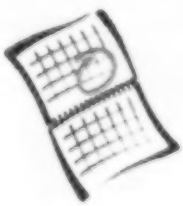
Mr. Chadwick will be making a number of presentations in Regina on Monday, September 11, 2006. He will be meeting with staff at the OIPC in the morning and presenting at the inaugural meeting of the new Privacy and Access Law Section of the Canadian Bar Association at noon.

Mr. Chadwick trained as a newspaper journalist in the 1970s, and in the 1980s he established the use of the then new freedom of information laws at the Melbourne daily, *The Age*. He has published books on freedom of information law and on media ownership.

Mr. Chadwick founded the Melbourne operations of the Communications Law Centre, Australia's first non-profit to specialize in articulating the public interest dimension of media law and policy. He served on separate inquiries into Victorian newspaper ownership and in the Australian Journalists' Association Code of Ethics. In 1997, he received the Walkley Award for Most Outstanding Contribution to Journalism.

A guest lecturer at several universities, and a contributor to freedom-of-expression activities in several Asia-Pacific countries, Mr. Chadwick was practising law in Melbourne at the time of his appointment as the first holder of the independent statutory office of Privacy Commissioner. We welcome him to Saskatchewan.

RIGHT TO KNOW WEEK



September 28, 2006 is International Right to Know day. In Canada, there will be various activities in most provinces and at the national level during the week of September 25-29. That week will be declared **Right to Know Week**.

In Saskatchewan there is an active Right to Know Committee that is organizing the following activities:

- Keynote speech by **David Gollub**, Vice-President, Canadian Newspaper Association;
- Essay contest for high school students;
- Essay contest for university students;
- Panel discussions on access to information in Regina and Saskatoon; and,
- Award presentation to the Saskatchewan public body that has demonstrated leadership in promoting access to information.

The Committee is requesting that the Premier and the Mayors of Regina and Saskatoon issue declarations to recognize Right to Know Week.

CANADIAN BAR ASSOCIATION PRIVACY AND ACCESS SECTION

The CBA in Saskatchewan has created a Privacy and Access Section. Section meetings will normally be held at noon on the second Monday of the month, alternating between Regina and Saskatoon. There will be speakers and privacy/access topics designed to be of interest to lawyers in the province. The fee of $120 plus GST includes the cost of lunches at the Hotel Saskatchewan in Regina and at the Saskatoon Club in Saskatoon. An alternative is to register for notices only for a cost of $40 plus GST. You can then attend the meetings you wish by paying $25 for the meal.

The Chair of the Section is **Mark Anderson** of the Provincial Auditor's office (phone: 787-6587 or email anderson@auditor.sk.ca). The Vice-Chair is **Brad Vance** of MacPherson Leslie & Tyerman LLP (phone: 655-8604 or email bvance@mlt.com).

The inaugural meeting of the section will feature **Paul Chadwick** from Victoria, Australia speaking about his extensive experience as a Privacy Commissioner.

Section meetings are normally only open to Saskatchewan lawyers. For the Privacy and Access Law Section however, the CBA will permit non-lawyers who are Freedom of Information and Privacy Coordinators, Privacy Officers or others primarily engaged in access and privacy work to join.

To register please call the CBA at 1-800-424-8288 or email at cba.sk@sasktel.net.

SASKATCHEWAN HEALTH REGISTRATION NUMBERS/CARDS

We have discovered that a number of Saskatchewan public bodies are routinely demanding that individuals produce their Saskatchewan Health Insurance card as a means of identification. We are dealing with a number of complaints on this issue. Readers are reminded that *The Health Information Protection Act* has strict rules concerning the health services number. No person is permitted to require an individual to produce a health services number as a condition of receiving any product or service unless this relates to a health service or program of a health information trustee or the provision of publicly funded health services or unless authorized by an Act or regulation [Section 11].

PRIVACY COMMISSIONER PUBLISHES PIPEDA REVIEW DOCUMENT

As part of the 5 year review of the *Personal Information Protection and Electronic Documents Act* (PIPEDA), **Ms. Jennifer Stoddart**, federal Privacy Commissioner, has produced a 12 page document outlining key areas for reconsideration. This includes questions to stimulate public discussion of such matters as the treatment of consent, the disclosure of personal information prior to transfer of a business, work product, duty to notify and transborder flows of personal information. This paper can be accessed at www.privcom.gc.ca under the *Resource Centre* tab.

ANNUAL REPORTS

If you want a break from reading trashy novels at the lake this summer, you might want to take a look at any of the recent Annual Reports from Information and Privacy Commissioners elsewhere in the nation. These would include Annual Reports from British Columbia (www.oipc.bc.ca) and Ontario (www.ipc.on.ca). The British Columbia report highlights a spike of 13% in private sector privacy files. Unlike Saskatchewan, British Columbia (as well as Alberta and Quebec) has enacted a private sector privacy law to displace the federal *Personal Information Protection and Electronic Documents Act*. The Ontario report addresses key issues including:

- Secure destruction of personal information records;
- Building a culture of openness;
- Police retention of fingerprints, photos and criminal record histories;
- RFID (Radio Frequency Identification technology) privacy misconceptions;
- The need to address privacy in new health record systems; and
- Collaboration with Ontario pharmacists to replace a controversial screening form.

FUTURE EVENTS

September 11, 2006 -- Inaugural Noon Luncheon, Canadian Bar Association, Saskatchewan Access and Privacy Law Section – Regina, Hotel Saskatchewan. Featuring Paul Chadwick, former Privacy Commissioner, Victoria, Australia. To register, call 1-800-424-8288 or email: cba.sk@sasktel.net. (visit http://www.cba.org/Saskatchewan for details)

September 13, 2006 -- OIPC Brown Bag Luncheon Workshop, (12:10 p.m. – 12:50 p.m.), Topic: "Duty to Assist", 503-1801 Hamilton Street, Regina (call (306) 787-8350 for details or to register)

September 18-20, 2006 -- *Information Management in the Public Sector*, Ottawa, ON. To register contact 1-800-363-0722 or e-mail info@federatedpress.com (visit http://w1.federatedpress.com for details)

September 25-29, 2006 -- Right to Know Week (Regina and Saskatoon). Program details for the week to be announced at a later date.

October 9, 2006 -- 4th Annual- Privacy & Data Protection 2006, London, England. (Visit www.transatlantic-events.com for details)

TO CONTACT US:

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